

NOT FOR PUBLICATION

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DONALD E. BOYD,

Plaintiff,

v.

JOHN DOE DOCTOR, *et al.*,

Defendants.

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Civ. Action No. 07-769 (FSH)

ORDER

Date: December 17, 2009

This matter having come before the Court upon Defendant Officer Michael Russo's Motion for Summary Judgment; and, upon review of the record of these proceedings, it appearing that this motion may be premature, as many Defendants named in the First Amended Complaint have not been served, and consequently have not participated in discovery; and for good cause shown;

IT IS on this 17th day of December 2009,

ORDERED that Officer Russo's Motion for Summary Judgment [Docket #55] is **ADMINISTRATIVELY TERMINATED** without prejudice. Officer Russo may resubmit his motion for summary judgment after the other Defendants have been served, and their discovery period is closed; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshals Service shall serve copies of the First Amended Complaint and summons upon Defendants Lt. Stio, Paul Acakios, Brian Pell, Chris Sloma, Michael Laplace, Officer Bracero, Officer Dixon, Dolores Guida, Joann Parker, and Nurse P. Panzer, pursuant to 28 U.S.C. §

1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that Defendants Lt. Stio, Paul Acakios, Brian Pell, Chris Sloma, Michael Laplace, Officer Bracero, Officer Dixon, Dolores Guida, Joann Parker, and Nurse P. Panzer shall answer the First Amended Complaint within **20 days** of service; and it is further

ORDERED that the Final Pre-Trial Order entered November 5, 2009 [Docket #54] is **VACATED**; a revised Final Pre-Trial Order will be entered when appropriate.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.